REMARKS

The Office Action of March 9, 2009, has been carefully considered.

Claims 28 and 34 have been withdrawn from consideration as not reading upon the elected species. Claims 28 and 34 have now been canceled.

Claim 29 has been amended to properly depend from Claim 25.

Objection has been raised to the drawings under 37 CFR 1.83(a) as not showing the embodiment claimed in Claims 29 and 35, in which the latch element breaks when sufficient mechanical pressing force is exerted.

In this case, there need be no difference in design between the latch element claimed in Claim 29 and the latch element shown in the drawings; the only difference would be in the material strength, the material for the latch element of Claim 29 being designed for a single use only and breaking when sufficient force is applied. If there need be no difference in design, there is no need for an additional drawing to show this embodiment. However, the specification has been amended to note that spring arm 5 can be designed to break when sufficient force is applied. No new matter has been added by this amendment to the specification.

Claims 25, 30-33, and 36-38 have been rejected under 35 USC 103(a) over Capozzi et al in view of Perkins. In the prior Amendment, it was noted that Capozzi et al does not disclose a latch closure with elastically deformable spring arms. Instead, the closure of Capozzi et al is a push and turn device, with the nozzle only locking to the receiving element after the nozzle and receiving element are turned with respect to each other. No reference was cited in the prior Office action suggesting modification of Capozzi et al to create the presently claimed device.

The Perkins reference has now been cited as allegedly

teaching the use of two elastically deformable spring arms 206 with a non-deformable projection 233. Perkins discloses a valve for dispensing liquid from a flexible container to hoses, comprising an outer sleeve 202 and an inner conduit 204 which are screwed together. The inner conduit 204 is telescopically movable within the outer sleeve 202, in order to either shut off or allow flow of liquid through the inner conduit. Annular stops 226 and 228 are provided for limiting the range of motion of the inner conduit within the outer sleeve, and the position of the inner conduit 204 may be fixed using flexible fingers 206 which lock the valve in the open and closed positions. The flexible fingers 206 can be flexed away and only serve the purpose of locking the position of the inner conduit which otherwise would slide back and forth. It is noted that the flexible fingers of Perkins are attached to the inner conduit 204 at a proximal end thereof, and have projections at the distal ends thereof. This is contrary to the embodiment shown in the claimed invention, and Claims 25 and 33 have now been amended to specifically recite that each said spring arm has a proximal end at which the spring arm is attached to the receiving element and a free distal end, with each spring arm having projections formed thereon adjacent the proximal end. The projection forms a rigid counter-bearing with respect to the elastically deformable spring arm.

If the collar segments of Capozzi et al were replaced by the cantilever member 206 with hooks 233 as shown in Perkins, it would mean that the flexibility of the cantilever member 206 would need to be designed to safely mount an attached needle, so that it could not inadvertently be separated. The cantilever member 206 would require a strong fit and less elasticity than shown in Perkins, and this would mean that the locking movement for attaching the needle would involve considerable force until ear 72 of Capozzi et al snaps in behind the hooks. The requirements for the locking assembly

of Capozzi et al as set forth in the paragraph bridging columns 3 and 4. In the case of a nearly plugged-up needle, the pressure buildup might result in ejecting the needle which is undesirable. On the other hand, the locked needle must be changed and thus has to be detached from the lock. These requirements are not met by the force with which hooks 233 would need to be driven over the ears 72. According to the invention, the spring arms 5 can be mechanically pressed and thereby elastically deformed, resulting in movement of the projections away from each other. The projections 4 then latch behind the counterpart structure of mixing nozzle 6. After releasing the pressure on the spring arms, the latch connection is secured against release by the spring force of the arms 5. For releasing the latch connection, a mechanical force must be exerted on the spring arms, moving the projections 4 away from each other again. Thus, the nondeformable latch element 4 forms a rigid counter-bearing with respect to the elastically deformable spring arms 5. The claimed structure is therefore clearly different from both Capozzi et al and Perkins, and the combination of these references cannot be used to derive the invention as claimed. Withdrawal of this rejection is requested.

The allowability of Claims 29 and 35 has been noted.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,

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